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Company*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ARCH INSURANCE COMPANY, a foreign  
corporation,

Plaintiff,

v.

DANIEL HARDY, an individual; SCOTT  
THAYER and CINDY THAYER, natural parents  
and wrongful death heirs of the deceased, COLE  
THAYER,

Defendants.

CASE NO. 2:23-cv-00370-CDS-EJY

**MOTION FOR INTERPLEADER  
DEPOSIT (28 U.S.C. § 1335)**

Pursuant to 28 U.S.C. §1335, Fed. R. Civ. P. 67, and Local rule 67-1, Interpleader Plaintiff Arch Insurance Company (“Plaintiff”) hereby moves this court for leave to Deposit the Interplead Funds in the amount of \$1,000,000, representing the full available underinsured motorist limit of Arc insurance policy number 81CAB5032501. This Motion is based on the pleadings and papers on file and the attached memorandum points and authorities.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Local Rule 67-1 provides, in pertinent part:

**LR 67-1. DEPOSIT AND INVESTMENT OF FUNDS IN THE  
REGISTRY ACCOUNT; CERTIFICATE OF CASH  
DEPOSIT**

- (a) Cash tendered to the clerk for deposit into the court’s Registry Account must be accompanied by a written statement titled “Certificate of Cash

Deposit,” which must be signed by the attorney or pro se party. The certificate must contain the following information:

...

(3) The nature of the tender (e.g., interpleader funds deposit ...);

(4) The **court order permitting the deposit;**

...

(b) The depositing party **must attach a copy of the order permitting the deposit.**

(c) The clerk may refuse cash tendered without the Certificate of Cash Deposit required by this rule.

LR 67-1 (emphasis added).

Here, this action is under way with all defendants having appeared. Before Plaintiff can be dismissed from this action, it must deposit the funds with the Court. However, Plaintiff requires the Court’s Order to Deposit before a deposit can be made.

As provided in the Complaint, the amount of funds to be deposited is \$1,000,000. (ECF No. 1, at ¶9). Upon receipt of the Order to Deposit, the funds will be presented to the Court in the form of a check made payable to Clerk, United States District Court. Once presented, the funds shall be deposited into the Court’s Interest Bearing-Registry Account and invested in the Court Registry Investment System (“CRIS”).

Plaintiff is a disinterested stakeholder and does not claim entitlement to any of the funds. The ownership of the funds is disputed between the adverse claimants. As such good cause exists to order the deposit of the funds into the Court registry.

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1 Accordingly, Plaintiff respectfully requests that this Court grant its Motion to Deposit the  
2 Interplead Funds plus any applicable interest, pursuant to 28 U.S.C. § 1335, Fed. R. Civ. P. 67 and  
3 Local Rule 67-1.

4  
5 Dated: May 26, 2023

CLYDE & CO US LLP

6 By: /s/ Dylan Todd

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*Attorneys for Plaintiff*

*Arch Insurance Company*

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13 IT IS SO ORDERED:

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17 UNITED STATES MAGISTRATE JUDGE

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19 DATED: June 1, 2023

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